

Contact Person	Diane Muncrief	Revision	0
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Contractor Workplace Substance Abuse Program And Drug Testing Policy

The purpose of this policy is to define the Contractor Workplace Substance Abuse Program and Drug Testing policy implemented by the Ames Laboratory as required in the September 14, 2007 memorandum issued by the Secretary of Energy. Under this order, the Ames Laboratory and its contractor, Iowa State University, developed a policy and program for testing to maintain a workplace free from the use of illegal drugs. The procedures include detection of the use of illegal drugs by current or prospective contractor employees in testing designated positions. The Ames Laboratory and Iowa State University expect and require that all employees and non-employees report to work in an appropriate mental and physical condition to carry out their responsibilities safely and effectively, absent of any impairment due to the use of controlled substances and alcohol.

1.0 APPROVAL RECORD

- Reviewed by: Amy Tehan, Document Control Coordinator
- Approved by: Diane Muncrief, Manager, Human Resources
- Approved by: Tom E. Wessels, Manager, Environment, Safety, Health, & Assurance
- Approved by: Mark L. Murphy, Chief Operations Officer
- Approved by: Debra Covey, Associate Director for Sponsored Research Administration
- Approved by: Dr. Duane D. Johnson, Chief Research Officer
- Approved by: Dr. Bruce N. Harmon, Deputy Director
- Approved by: Dr. Alexander H. King, Laboratory Director

The official approval record for this document is maintained in the Training & Records Management Office, 151 TASF.

2.0 REVISION/REVIEW INFORMATION

The revision description for this document is available from and maintained by the author.

3.0 PURPOSE AND SCOPE

Consistent with relevant laws, the Ames Laboratory prohibits the unlawful possession, use, dispensation, manufacture or distribution of a controlled substance of any kind or amount, or having detectable levels of illegal drugs or alcohol in an employee's system while on Laboratory or University property, or while in the conduct of Ames Laboratory/ISU business off-site. This policy is in compliance with 10 CFR 707 outlining workplace substance abuse testing at DOE sites.

It will be the responsibility of each employee to abide by the terms of this policy and notify the Ames Laboratory/University of any criminal drug statute conviction not later than five calendar days after such conviction. The Ames Laboratory will notify DOE within ten calendar days after receiving notice of the criminal drug statute conviction as stated above.

The Ames Laboratory conducts a random drug testing program for employees and certain other individuals who work in or who are selected to work in positions designated as requiring testing for the detection of controlled substances. Individuals will be subject to random drug testing if they are in specified classifications which entail duties where failure of an individual to

adequately discharge their responsibilities could significantly harm the environment, public health, or safety, or other individuals at the Ames Laboratory. Testing Designated Positions (TDP's) include, but are not limited to:

- employees holding "Q" and "L" Clearance designations
- personnel directly engaged in the production, use, storage, transportation, or disposal of hazardous materials of sufficient quantity to cause significant harm;
- other positions which may be determined jointly between the Ames Laboratory and ISU to have the potential to significantly affect the environment, public health, or safety, or other individuals at the laboratory.

Internal or external candidates selected for a testing designated position will be tested as a condition of employment for the use of illegal drugs prior to applicant selection. A notice that testing for illegal drugs is required for the position will be inserted in the job posting/notice of vacancy for these positions.

The term "illegal drug," as it applies to this policy, means any controlled substance as specified by Federal Law, Schedules I through V of the Controlled Substances Act. Tests for at least the following illegal drugs, or classes of drugs, will be made:

- marijuana
- cocaine
- opiates
- phencyclidine
- amphetamines

Individuals in TDP's must notify their supervisor or the Manager of Human Resources in writing, within 10 calendar days, of either of the following occurrences that pertain to them:

- a drug-related arrest or conviction, or
- receipt of a positive drug test result

Violation of this policy will result in appropriate disciplinary action, up to and including dismissal, and will be subject to federal, state, and local sanctions. In addition, an employee who violates this policy may be required to participate in a drug abuse assistance or rehabilitation program.

1.1. Definitions

TDP's – Testing Designated Positions – group of employees meeting specific requirements based on their positions. (see detailed explanation in Section 3.0).

Illegal Drug: Any controlled substance specified by Federal Law, Schedules I to V of the Controlled Substances Act.

Reasonable Suspicion Testing: based on observation of behavior, state of being or expression.

Occurrence Based Testing: based on an incident reportable to DOE.

4.0 PROGRAM/POLICY/PROCEDURE INFORMATION

The Ames Laboratory is committed to maintaining a safe work environment that is free from the use, abuse or effects of illegal drugs or alcohol. Employees have the right to work in an environment that is free from drug or alcohol abuse or misuse. Employees who are under the influence of drugs or alcohol present a safety risk that adversely affects other employees and the public at large.

In accordance with the Federal Drug-Free Workplace Act of 1988, employees are required to report to their supervisors any criminal drug-statute convictions for violations occurring in the workplace or on work time within five calendar days following such a conviction. The fact that an employee had a confirmed positive test for the use of illegal drugs at some prior time, or had undergone a period of rehabilitation or treatment, will not, in and of itself, be grounds for testing on the basis of reasonable suspicion.

4.1. Reasonable Suspicion Testing

If the behavior of an individual creates the basis for reasonable suspicion of drug use, a test may be required by the supervisor. Reasonable suspicion must be based on a belief that can be articulated, based on a state of being, or behavior, or expression that the individual in question is using illegal drugs. That determination must be based on specific facts and on reasonable inference from those facts. Examples are:

- direct observation of the use or possession of illegal drugs or alcohol; the physical symptoms of being under the influence of drugs or alcohol;
- a pattern of abnormal conduct or erratic behavior for that individual;
- personal knowledge of, or reliable records attesting to, the recent arrest for, or a conviction of a drug related offense, or the identification of the individual as a focus of an ongoing criminal investigation into illegal drug possession, use, or trafficking;
- information concerning the use or possession of a controlled substance that is either provided by a reliable and credible source, or is otherwise independently corroborated; evidence that an employee has tampered with a drug test or sample.

The supervisor responsible for the individual must prepare a written description of the specific activities, expressions, attitudes, behaviors, or known information about the individual in question prior to testing the individual. This document must be completed and delivered to the Occupational Medicine Office as promptly as possible. Additionally, the Manager of Human Resources must be notified as promptly as possible and participate in the decision regarding testing of the individual.

4.2. Occurrence Based Testing

Individuals in any TDP may be tested for the use of illegal drugs when there is an occurrence which the Laboratory is required to report to DOE, if such individual(s) could have caused or contributed to the conditions which resulted in the occurrence. The Laboratory will report as soon as possible, but within 24 hours of the incident (unless the time is extended by DOE) for those occurrences which require immediate notification of DOE and the test(s) of the individual(s) involved in the occurrence. Testing may be required for other, less significant occurrences as well.

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Testing an individual on the basis of an Occurrence (an incident) requires:

- observation by a supervisor and/or evaluation of information by the supervisor of the individual which indicates possible illegal use of a controlled substance;
- documentation (completion of the proper Affidavit by the supervisor); and,
- concurrence by the Facility Manager or other designee on duty;
- notification to the Manager of Human Resources of the decision to perform testing at the earliest opportunity.

Testing will be conducted through the provider utilized by the State of Iowa Employee's consortium based on the Ames Laboratory's operating contract with ISU, DE-AC02-07CH11358. The current provider is McFarland Clinic, Ames, IA. Procedures for providing urine specimens will allow for individual privacy, unless there reason to believe that a particular individual may alter or substitute the specimen.

The testing provider will supply and maintain the official Chain of Custody form as the permanent record on each specimen that includes, but is not limited to:

- Date of collection;
- Name of individual tested;
- Social Security Number of individual tested;
- Specimen number;
- Type of test (random, applicant, occurrence, reasonable suspicion, follow-up, or other);
- Temperature range of specimen;
- Remarks regarding unusual behavior or conditions as observed;
- Collector's signature;
- Certification signature of specimen provider certifying that specimen identified is in fact the specimen the individual provided.

5.0 POST PERFORMANCE ACTIVITY

A positive test result will be considered a violation of this policy and will result in appropriate disciplinary action, up to an including dismissal, and will be subject to Federal, State, and local sanctions. In addition, an employee who violates this policy may be required to participate in a drug abuse assistance or rehabilitation program as a condition of continued employment.

Individual(s) who are notified of a positive test result may request a retest of the same specimen at the same or another certified laboratory. The individual shall bear the costs of transportation and/or testing of the specimen. The contractor will inform employees of their right to request a retest. Employees in testing designated positions that have been tested and determined to have used an illegal drug, will be immediately removed from the testing designated position.

After an employee is determined to have used illegal drugs, completed a substance abuse program or counseling, and is returned to duty, the employee shall be subject to unannounced drug testing at intervals, for a period of 12 months.

Test results shall be provided to the Occupational Medicine physician on staff, and other contractor and DOE officials with a need to know. Any other disclosure may be made only with

the written consent of the individual. Contractors shall maintain maximum confidentiality of records related to illegal drug use, to the extent required by applicable Federal and State statutes and regulations. Unless otherwise approved by DOE, the contractor shall ensure that all laboratory records relating to positive drug test results, including initial test records shall be retained by the laboratory in a manner to allow retrieval of all information pertaining to the individual urine specimens for a minimum period of five years after completion of testing.

Additionally, it will be the responsibility of each employee to abide by the terms of this policy, and notify the Ames Laboratory of any criminal drug statute conviction not later than 5 calendar days after such conviction. The Ames Laboratory will then notify the contractor within ten calendar days after receiving notice of the criminal drug statute conviction.

Collective Bargaining

The Ames Laboratory participates in a collective bargaining agreement negotiated between the contractor (ISU) and the union, every two years. Represented bargaining employees at the Ames Laboratory may include the clerical, security, blue collar, and technical divisions of the merit staff. All workplace rules are negotiated and documented by the contractor directly with the union for two year periods of time. Disciplinary action will follow the rules set forth in the collective bargaining agreement for covered employees.

6.0 ADDITIONAL INFORMATION

The management of the Ames Laboratory is committed to making a substantial good faith effort to maintain a workplace free of substance abuse. This strong commitment to maintaining a Drug Free Workplace is intended to protect individuals who work at, or visit the Ames Laboratory, the facility and the environment, as well as safeguard the community and public health.

ISU in the role of contractor for the Ames Laboratory provides a drug free awareness program and training to inform employees about the dangers of drug and alcohol abuse in the workplace. Employees are advised as to available substance abuse counsel, rehabilitation programs, and of the Employee Assistance Program sponsored by ISU and Employee and Family Resources (EFR).

Websites for additional information:

10 CFR 707 Workplace Substance Abuse Programs at DOE Sites Directive

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=7ab53b7f87ff635362b709a0b6c953af&rgn=div5&view=text&node=10:4.0.2.5.2&idno=10>

73 FR 71858 DHHS Substance Abuse and Mental Health Services Administration

<http://edocket.access.gpo.gov/2008/pdf/e8-26726.pdf>

ISU Drug Free Workplace:

<http://policy.iastate.edu/policy/drugfree/>

ISU CDL Drug and Alcohol Testing Program:

<http://policy.iastate.edu/policy/cdl/>

Board of Regents Drug-Free Environment and Controlled Substances:
<http://www2.state.ia.us/regents/Policies/Chapter%204/chapter4.31.htm>

ISU Employee Assistance Program:
<http://www.hrs.iastate.edu/eap/>

Record Sign-Off

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